TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

SEC. _____. GAO REVIEWS.

(a) REPORT TO COMMITTEES.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that analyzes, for the 20-year period preceding the date of enactment of this Act—

(1) the total amount spent by the Federal Government regarding the deployment of broadband, without regard to whether the source of that funding was appropriated amounts, user-generated fees, or any other source; and

(2) the total amount spent by State and local governments regarding the deployment of broadband, without regard to whether the source of that funding was appropriated amounts, user-generated fees, or any other source.

(b) ANNUAL ANALYSIS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States shall conduct a review of, for the year covered by the review—

(A) the total amount spent by the Federal Government, and State and local governments, regarding the deployment of broadband, without regard to whether the source of that funding was appropriated amounts, user-generated fees, or any other source;

(B) the return on investment with respect to the investment described in subparagraph (A); and

(C) which Federal programs and agencies have engaged in activities regarding the deployment of broadband.

(2) PUBLIC AVAILABILITY.—The Comptroller General of the United States shall make the results of each review conducted under paragraph (1) publicly available in an easily accessible electronic format.

SA 2388. Mr. CRUZ (for himself, Mr. BARRASSO, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 80201.

SA 2389. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON EXECUTIVE AGENCIES ACTING IN CONTRAVENTION OF EXECUTIVE ORDER 13950.

(a) DEFINITIONS.—

(1) EO 13950.—The term ''EO 13950'' means Executive Order 13950 (5 U.S.C. 4103 note; relating to combating race and sex stereotyping).

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(b) FINDINGS.—Congress finds the following:

(1) On September 22, 2020, President Trump issued EO 13950.

(2) EO 13950 was designed ''to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating''.

(3) Specifically, EO 13950, among other things, prohibited Federal agencies from teaching, advocating, acting upon, or promoting in any training to agency employees certain divisive concepts, such as concepts that include a teaching or belief that ''(1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual's moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race''.

(4) EO 13950 further required that diversity and inclusion efforts of Federal agencies must ''first and foremost, encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by Federal law''.

(5) EO 13950 was issued soon after the Director of the Office of Management and Budget, Russell Vought, issued a September 4, 2020, memorandum (referred to in this section as the ''September 4, 2020, memorandum'') in which he explained that—

(A) millions of taxpayer dollars have been spent on training Federal employees to ''believe divisive, anti-American propaganda'';

(B) training sessions have taught that ''virtually all White people contribute [or benefit from] to racism''; and

(C) training sessions have claimed that ''there is racism embedded in the belief that America is the land of opportunity or the belief that the most qualified person should receive a job''.

(6) In the September 4, 2020, memorandum, Director Vought further explained that the trainings described in paragraph (5) ''not only run counter to the fundamental beliefs for which our Nation has stood since its inception, but they also engender division and resentment within the Federal workforce''.

(7) EO 13950 and the September 4, 2020, memorandum stood as a direct rebuke of so-called ''critical race theory''.

(8) Critical race theory, according to Heritage Foundation visiting fellow Chris Rufo (referred to in this section as ''Rufo''), is ''the idea that the United States is a fundamentally racist country and that all of the institutions, including the law, culture, business, the economy are all designed to maintain white supremacy''.

(9) Critical race theory is, at its core, anti-American, discriminatory, and based on Marxist ideology.

(10) Critical race theory relies on a Marxist analytical framework, viewing society in terms of the oppressed and the oppressor, and instills a defeatist mentality in the individuals that critical race theory casts as the oppressed.

(11) Critical race theory's objective is the destruction and replacement of Western Enlightenment Liberalism with a Marxist-influenced government.

(12) Critical race theory intentionally seeks to undermine capitalism and western values, such as property rights, free speech, and the very concept of Lockean natural rights.

(13) At the Department of Homeland Security, Rufo explained, trainers ''insisted that statements such as 'America is the land of opportunity,' 'Everybody can succeed in this society, if they work hard enough,' and 'I believe the most qualified person should get the job' are racist and harmful''.

(14) At a training session at the National Credit Union Administration, diversity trainer Howard Ross taught that ''It is irrefutable that [American society] is a system based on racism'' and ''good and decent [White] people . . . support the status quo [of] a system of systematized racism''.

(15) According to Rufo, employees of the Department of the Treasury and Federal financial agencies attended a series of events at which diversity trainer Howard Ross taught employees that all White individuals in the United States are complicit in White supremacy ''by automatic response to the ways we're taught Whiteness includes White privilege and White supremacy''.

(16) Martin Luther King, Jr., in his ''I have a dream speech'' said, ''I look to a day when people will not be judged by the color of their skin, but by the content of their character''.

(17) By teaching that certain individuals, by virtue of inherent characteristics, are inherently flawed, critical race theory contradicts the basic principle upon which the United States was founded that all men and women are created equal.

(18) The teachings of critical race theory stand in contrast to the overarching goal of the Civil Rights Act of 1964 (42 U.S.C. 2000A et seq.) to prevent discrimination on the basis of race, color, or national origin in the United States.

(19) Critical race theory seeks to portray the United States not as a united Nation of individuals, families, and communities striving for a common purpose, but rather a Nation of many victimized groups based on sex, race, national origin, and gender.

(20) Critical race theory, and its emphasis on predetermining the thoughts, beliefs, and actions of an individual, flouts the guarantee of Constitution of the United States of equal protection under the law to all men and women.

(21) On January 20, 2021, President Joe Biden issued Executive Order 13985 (86 Fed. Reg. 7009; relating to advancing racial equity and support for underserved communities through the Federal Government) (referred to in this section as ''EO 13985''), which revoked EO 13950.

(22) The people of the United States should defend the civil rights of all people and seek

to eliminate racism wherever it exists. Critical race theory and its propagation within the Federal Government through EO 13985 desecrates this paramount pursuit to eliminate racism.

(c) PROHIBITION.—No Executive agency may act in contravention of EO 13950, except as EO 13950 relates to contractors and grant recipients.

(d) LIMITATION ON FUNDS.—An Executive agency or any other recipient of Federal funds may not use Federal funds to teach or advance the idea, or otherwise award any grant or subgrant using Federal funds to any Executive agency, entity, or individual that teaches or otherwise advances the idea, that—

(1) one race is inherently superior or inferior to another race;

(2) an individual or a group of individuals, by virtue of the race of the individual or group of individuals—

(A) is superior or inferior to another individual, or a group of individuals, who is of a different race;

(B) bears responsibility or moral culpability for the actions committed by other individuals who are of the same race as the individual or group of individuals; or

(C) is inherently racist or oppressive, whether consciously or unconsciously;

(3) the race of an individual or a group of individuals is determinative of the moral worth of the individual or group of individuals;

(4) the United States is a fundamentally racist country; or

(5) the founding documents of the United States, including the Declaration of Independence and the Constitution of the United States, are fundamentally racist documents.

SA 2390. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division I, add the following:

SEC. 90009. RESTRICTION OF FUNDING FOR LOCAL EDUCATIONAL AGENCIES THAT DO NOT HAVE IN-PERSON INSTRUCTION.

Notwithstanding any other provision of this Act, or an amendment made by this Act, no funds shall be provided under this Act, or an amendment made by this Act, to a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) if any public elementary school or secondary school served by such agency does not provide, in the 2021–2022 school year, 5-day-a-week, in-classroom instruction for the students enrolled in the school in the same manner as 5-day-a-week, in-classroom instruction for the students enrolled in the school was provided in the 2018–2019 school year.

SA 2391. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, between lines 3 and 4, insert the following:

SEC. 11320. LIMITATIONS ON CLAIMS.

(a) IN GENERAL.—Section 139(l) of title 23, United States Code, is amended by striking ''150 days'' each place it appears and inserting ''90 days''.

(b) CONFORMING AMENDMENTS.—

(1) Section 330(e) of title 23, United States Code, is amended—

(A) in paragraph (2)(A), by striking ''150 days'' and inserting ''90 days''; and

(B) in paragraph (3)(B)(i), by striking ''150 days'' and inserting ''90 days''.

(2) Section 24201(a)(4) of title 49, United States Code, is amended by striking ''of 150 days''.

On page 2304, strike line 15.

On page 2305, between lines 19 and 20, insert the following:

(C) in paragraph (4)(A), by striking ''or (C)'' and inserting ''or (D)''; and

On page 2305, strike lines 21 through 23 and insert the following:

(A) in subparagraph (A)—

(i) by striking ''coordination'' and inserting ''coordinated''; and

(ii) by striking ''subparagraph (C)'' and inserting ''subparagraph (D)'';

(B) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) NOTICE OF INTENT AND SCOPING.—

''(i) IN GENERAL.—The permitting timetable under subparagraph (A) shall require that not later than 5 business days after the Coordinated Project Plan is required to be established under paragraph (1)(A), the lead agency shall publish in the Federal Register a notice of intent to prepare the relevant environmental document required by NEPA.

''(ii) ENVIRONMENTAL IMPACT STATEMENTS.—If the relevant environmental document required by NEPA is an environmental impact statement, the notice of intent required under clause (i) and the permitting timetable under subparagraph (A) shall provide for a public scoping period of not longer than 60 days, which shall begin not later than 30 days after the date on which the notice of intent is published.'';

(D) in clause (i) of subparagraph (E) (as so redesignated)—

On page 2306, line 11, strike ''and'' at the end.

On page 2306, strike line 15 and insert the following:

(iv) in subclause (IV) (as so redesignated), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''; and

(E) in subparagraph (G) (as so redesignated)—

On page 2306, strike line 19.

On page 2306, between lines 21 and 22, insert the following:

(III) by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

On page 2307, line 12, strike the period at the end and insert ''; and''.

On page 2307, between lines 12 and 13, insert the following:

(F) in clause (iii) of subparagraph (H) (as so redesignated), by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

On page 2310, strike lines 23 and 24 and insert the following:

(4) by redesignating subsection (f) as subsection (h); and

On page 2311, strike lines 3 through 7 and insert the following:

''(f) FINAL ENVIRONMENTAL IMPACT STATEMENT.—

''(1) INCORPORATION OF COMMENTS AND PUBLICATION OF FINAL ENVIRONMENTAL IMPACT STATEMENT.—Subject to paragraph (2)(C), not later than 30 days after the date on which the public comment period for a draft environmental impact statement under subsection (d) ends, the lead agency shall—

''(A) incorporate any necessary changes; and

''(B) approve, adopt, and publish the final environmental impact statement.

''(2) PREPARATION BY PROJECT SPONSOR.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, an environmental impact statement for a covered project shall not be considered legally insufficient solely because the draft environmental impact statement was prepared by, or under the supervision of, the project sponsor, if the lead agency—

''(i) furnishes guidance and participates in the preparation of the environmental impact statement;

''(ii) independently evaluates the environmental impact statement; and

''(iii) approves and adopts the environmental impact statement.

''(B) APPROVAL AND ADOPTION OF DRAFT STATEMENT.—If the lead agency approves and adopts a draft environmental impact statement described in subparagraph (A), the lead agency shall publish the draft environmental impact statement for public comment not later than 30 days after the date on which the lead agency receives the draft environmental impact statement.

''(C) RESUBMISSION.—If the lead agency determines that a draft environmental impact statement described in subparagraph (A) is legally insufficient or deficient in a respect that could affect the decision of a lead agency or a cooperating agency, the lead agency shall, not later than 30 days after the date on which the agency receives the draft environmental impact statement—

''(i) indicate all deficiencies in the draft environmental impact statement to the project sponsor for remediation; and

''(ii) allow the project sponsor to resubmit the draft detailed statement in accordance with subparagraph (B).

''(D) SAVINGS PROVISION.—The procedures under this paragraph shall not relieve any agency of—

''(i) any responsibility for the scope, objectivity, or content of an environmental impact statement; or

''(ii) any other responsibility under NEPA.

''(g) RECORD OF DECISION.—When an environmental impact statement is prepared, Federal agencies shall, to the maximum extent practicable, issue a record of decision not later than 90 days after the date on which the final environmental impact statement is issued.''.

On page 2311, line 20, strike ''and'' at the end.

On page 2311, strike lines 21 through 23 and insert the following:

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''In addition'' and inserting ''Subject to subsection (c), in addition'';

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

''(c) PRELIMINARY INJUNCTIVE RELIEF IN NEPA ACTIONS.—In the case of an action pertaining to an environmental review conducted under NEPA, a court shall not issue a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with the review or authorization of a covered project unless the court, in the discretion of the court, determines that—